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MICHIGAN CHAPTER

MEMO

To: Members of the House Agriculture Committee
From: Gayle Miller, Sierra Club Legislative Director
Re: MAEAP
Date: May 29, 2009

As the topic of today's committee meeting is the Michigan Agriculture Environmental Assurance Program (MAEAP), Sierra Club would like to provide you with some information and concerns we have with this voluntary program, along with some pertinent questions that could be posed to today's speakers.

MAEAP is a voluntary pollution prevention program that the Farm Bureau and MDA would like to use instead of water quality permits for CAFOs. Two packages of bills over the last 6 years have sought to eliminate permits in favor of the voluntary MAEAP in Michigan. Fortunately, both packages failed.

Despite its good intentions, MAEAP has severe problems and fails to adequately protect Michigan's water resources. Please see the attached 2006 letter from Region 5 EPA which itemizes the deficiencies of MAEAP compared to the federal National Pollution Discharge Elimination System (NPDES) permit, which is issued and monitored by the DEQ.

Permits establish outcome-based standards that prohibit and prevent pollution. The effectiveness of the permit is measured by whether or not a CAFO pollutes. Penalties exist for failure to comply with the permit standards.

MAEAP, on the other hand, establishes guidelines for behavior, such as how waste should be applied to soils, without prohibiting pollution and without measuring whether the guidelines actually prevent pollution. A CAFO can be MAEAP verified while causing significant water pollution. There are no penalties in MAEAP for polluting, and there is no way to un-verify a CAFO under MAEAP, despite repeated pollution discharges.

Several questions should be posed to the MDA and/or Farm Bureau regarding MAEAP:

1. There are approximately 139 CAFOs on the MAEAP-verified list that are significantly overdue for re-verification according to the MAEAP 3 year verification cycle. Why are they still on the list if they haven't been re-verified?
2. There are numerous MAEAP-verified CAFOs that are, or have been, in violation of their permits and polluting Michigan's waters. Why are they still verified under MAEAP?

3. Please describe the measurable criteria used to determine whether or not MAEAP is helping a CAFO operator prevent pollution. Is there any water testing done for E-coli bacteria, cryptosporidium or any other non-visible water contaminants? Are you using hydrogen sulfide meters to measure air pollution? Do you test groundwater to ensure that sewage pits are not leaking?
4. Please describe the process of un-verifying a MAEAP verified CAFO that has had consistent water pollution discharges.
5. How many environmental representatives or scientists (whose primary job is to protect Michigan's natural resources and public health) are on the MAEAP livestock advisory committee?

The Sierra Club supports MAEAP for smaller farms as a way to encourage environmental stewardship. However, as stated in the EPA memo, MAEAP is inadequate for CAFOs. MAEAP standards need to be dramatically improved so that this voluntary program meets or exceeds state and federal standards for air and water quality at CAFOs.

Sierra Club is available at any time to answer your questions about CAFOs or to provide a more comprehensive overview of the CAFO pollution problems we document in Michigan. Thank you for your interest in this issue.